

mental, and economic mitigation purposes, for the sale, use, lease, or lease renewals (other than for utility use and occupancy or for transportation projects eligible for assistance under this title) of right-of-way airspace acquired as a result of a project funded in whole or in part with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account). This section applies to new airspace usage proposals, renewals of prior agreements, arrangements, or leases entered into by the State after the date of the enactment of the Federal-Aid Highway Act of 1987. The Federal share of net income from the revenues obtained by the State for sales, uses, or leases (including lease renewals) under this section shall be used by the State for projects eligible under this title.”

1991—Pub. L. 102-240 substituted “Subject to section 142(f), States shall” for “States shall”.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

§ 157. Safety incentive grants for use of seat belts

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) MOTOR VEHICLE.—The term “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

(2) MULTIPURPOSE PASSENGER MOTOR VEHICLE.—The term “multipurpose passenger motor vehicle” means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

(3) NATIONAL AVERAGE SEAT BELT USE RATE.—The term “national average seat belt use rate” means, in the case of each of calendar years 1996 through 2003, the national average seat belt use rate for that year, as determined by the Secretary.

(4) PASSENGER CAR.—The term “passenger car” means a motor vehicle with motive power (except a multipurpose passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(5) PASSENGER MOTOR VEHICLE.—The term “passenger motor vehicle” means a passenger car or a multipurpose passenger motor vehicle.

(6) SAVINGS TO THE FEDERAL GOVERNMENT.—The term “savings to the Federal Government” means the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medic-aid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.)), as determined by the Secretary.

(7) SEAT BELT.—The term “seat belt” means—

(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

(8) STATE SEAT BELT USE RATE.—The term “State seat belt use rate” means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

(A) for each of calendar years 1996 and 1997, by the State, as weighted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

(B) for each of calendar years 1998 through 2003, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

(b) DETERMINATIONS BY THE SECRETARY.—Not later than September 1, 1998, and September 1 of each calendar year thereafter through September 1, 2005, the Secretary shall determine—

(1)(A) which States had, for each of the previous calendar years (in this subsection referred to as the “previous calendar year”) and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

(2) in the case of each State that is not a State described in paragraph (1)(A)—

(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1996 through the calendar year preceding the previous calendar year; and

(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

(c) ALLOCATIONS.—

(1) STATES WITH GREATER THAN THE NATIONAL AVERAGE SEAT BELT USE RATE.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2004, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

(2) OTHER STATES.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2004, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

(d) USE OF AMOUNTS.—For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

(e) **CRITERIA.**—Not later than 180 days after the date of enactment of this section, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

(f) **INNOVATIVE SEAT BELT PROJECT ALLOCATIONS.**—

(1) **IN GENERAL.**—The Secretary shall use amounts made available under subsection (g)(3) to make allocations to States to carry out innovative projects to promote increased seat belt use rates.

(2) **DETERMINATION OF ELIGIBILITY.**—To be eligible to receive an allocation under this subsection for a fiscal year, a State shall—

(A) develop a plan for innovative projects described in paragraph (1); and

(B) submit the plan to the Secretary not later than March 1 of the fiscal year.

(3) **PLAN SELECTION.**—

(A) **CRITERIA.**—Not later than December 1, 1998, the Secretary shall establish criteria for the selection of State plans for allocations under this subsection.

(B) **SELECTION.**—The Secretary shall select State plans for allocations under this subsection in accordance with the criteria established under subparagraph (A).

(C) **STATES.**—In carrying out this paragraph, the Secretary shall ensure, to the maximum extent practicable, demographic and geographic diversity and a diversity of seat belt use rates among the States selected for allocations.

(4) **ALLOCATION.**—Not later than October 1, 1999, and each October 1 thereafter through October 1, 2004, the Secretary shall allocate funds to the States whose plans were selected under paragraph (3).

(5) **AMOUNT OF ALLOCATIONS.**—Subject to the availability of unallocated amounts under subsection (g)(3), the amount of each allocation to a State under this subsection shall be not less than \$100,000 for each fiscal year that is covered by a State plan.

(6) **USE OF ALLOCATIONS.**—An allocation to a State under this subsection shall be used to carry out the innovative seat belt projects described in the State plan for which the allocation is awarded.

(7) **FEDERAL SHARE.**—The Federal share of the cost of an innovative seat belt project under this section shall be 100 percent.

(8) **PERIOD OF AVAILABILITY.**—Amounts allocated to a State under this subsection shall remain available for obligation in the State for a period of 3 years after the last day of the fiscal year for which the amounts are allocated.

(g) **FUNDING.**—

(1) **IN GENERAL.**—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$82,000,000 for fiscal year 1999, \$92,000,000 for fiscal year 2000, \$102,000,000 for fiscal year 2001, \$112,000,000 for fiscal year 2002, \$112,000,000 for fiscal year 2003, \$112,000,000 for fiscal year 2004, and \$112,000,000 for fiscal year 2005.

(2) **PROPORTIONATE ADJUSTMENT.**—If the total amounts to be allocated under subsection (c)

for any fiscal year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

(3) **USE OF UNALLOCATED FUNDS.**—

(A) **FISCAL YEAR 1999.**—To the extent that the amounts made available for fiscal year 1999 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for fiscal year 1999, the excess amounts—

(i) shall be apportioned in accordance with section 104(b)(3);

(ii) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

(iii) shall be available for any purpose eligible for funding under section 133.

(B) **FISCAL YEARS 2000 THROUGH 2005.**—To the extent that the amounts made available for any of fiscal years 2000 through 2005 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be used to make allocations under subsection (f).

(Added Pub. L. 105-178, title I, §1403(a), June 9, 1998, 112 Stat. 237; amended Pub. L. 108-88, §6(a)(1), Sept. 30, 2003, 117 Stat. 1119; Pub. L. 108-202, §6(a), Feb. 29, 2004, 118 Stat. 483; Pub. L. 108-224, §5(a), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108-263, §5(a), June 30, 2004, 118 Stat. 703; Pub. L. 108-280, §5(a), July 30, 2004, 118 Stat. 881; Pub. L. 108-310, §6(a)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109-14, §5(a)(1), May 31, 2005, 119 Stat. 329; Pub. L. 109-20, §5(a)(1), July 1, 2005, 119 Stat. 351; Pub. L. 109-35, §5(a)(1), July 20, 2005, 119 Stat. 384; Pub. L. 109-37, §5(a)(1), July 22, 2005, 119 Stat. 399; Pub. L. 109-40, §5(a)(1), July 28, 2005, 119 Stat. 415; Pub. L. 109-59, title I, §1406, Aug. 10, 2005, 119 Stat. 1231.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(6), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Social Security Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The date of enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

PRIOR PROVISIONS

A prior section 157, added Pub. L. 97-424, title I, §150(a), Jan. 6, 1983, 96 Stat. 2131; amended Pub. L. 99-272, title IV, §4102(f), Apr. 7, 1986, 100 Stat. 113; Pub. L. 100-17, title I, §§105(h), 124, Apr. 2, 1987, 101 Stat. 144, 164; Pub. L. 102-240, title I, §§1002(h), 1013(a), (b), Dec. 18, 1991, 105 Stat. 1918, 1940; Pub. L. 103-272, §5(f)(3), July 5, 1994, 108 Stat. 1374, related to minimum allocations to States, prior to repeal by Pub. L. 105-178, title I, §1403(a), June 9, 1998, 112 Stat. 237.

AMENDMENTS

2005—Subsec. (g)(1). Pub. L. 109-59 substituted “2004, and \$112,000,000 for fiscal year 2005” for “2004, and \$92,975,342 for the period of October 1, 2004, through July 30, 2005”.

Pub. L. 109-40 substituted “\$92,975,342 for the period of October 1, 2004, through July 30, 2005” for “\$92,054,794 for the period of October 1, 2004, through July 27, 2005”.

Pub. L. 109-37 substituted “\$92,054,794 for the period of October 1, 2004, through July 27, 2005” for “\$90,720,000 for the period of October 1, 2004, through July 21, 2005”.

Pub. L. 109-35 substituted “\$90,720,000 for the period of October 1, 2004, through July 21, 2005” for “\$89,600,000 for the period of October 1, 2004, through July 19, 2005”.

Pub. L. 109-20 substituted “\$89,600,000 for the period of October 1, 2004, through July 19, 2005” for “\$84,000,000 for the period of October 1, 2004, through June 30, 2005”.

Pub. L. 109-14 substituted “\$84,000,000 for the period of October 1, 2004, through June 30, 2005” for “\$74,666,667 for the period of October 1, 2004, through May 31, 2005”.

2004—Subsec. (a)(3), (8)(B). Pub. L. 108-310, §6(a)(1)(A), (B), substituted “2003” for “2002”.

Subsec. (b). Pub. L. 108-310, §6(a)(1)(C), substituted “2005” for “2003” in introductory provisions.

Subsecs. (c)(1), (2), (f)(4). Pub. L. 108-310, §6(a)(1)(D)–(F), substituted “2004” for “2003”.

Subsec. (g)(1). Pub. L. 108-310, §6(a)(1)(G), struck out “and” after “2003,” and inserted “, and \$74,666,667 for the period of October 1, 2004, through May 31, 2005” before period at end.

Pub. L. 108-280 substituted “\$112,000,000 for fiscal year 2004” for “\$93,333,333 for the period of October 1, 2003, through July 31, 2004”.

Pub. L. 108-263 substituted “\$93,333,333 for the period of October 1, 2003, through July 31, 2004” for “\$84,000,000 for the period of October 1, 2003, through June 30, 2004”.

Pub. L. 108-224 substituted “\$84,000,000 for the period of October 1, 2003, through June 30, 2004” for “\$65,333,333 for the period of October 1, 2003, through April 30, 2004”.

Pub. L. 108-202 substituted “\$65,333,333 for the period of October 1, 2003, through April 30, 2004” for “\$46,666,667 for the period of October 1, 2003, through February 29, 2004”.

Subsec. (g)(3)(B). Pub. L. 108-310, §6(a)(1)(H), (I), substituted “2005” for “2004” in heading and text.

2003—Subsec. (a)(3), (8)(B). Pub. L. 108-88, §6(a)(1)(A), (B), substituted “2002” for “2001”.

Subsec. (b). Pub. L. 108-88, §6(a)(1)(C), substituted “2003” for “2002” in introductory provisions.

Subsecs. (c)(1), (2), (f)(4). Pub. L. 108-88, §6(a)(1)(D)–(F), substituted “2003” for “2002”.

Subsec. (g)(1). Pub. L. 108-88, §6(a)(1)(G), struck out “and” after “2002,” and inserted before period at end “, and \$46,666,667 for the period of October 1, 2003, through February 29, 2004”.

Subsec. (g)(3)(B). Pub. L. 108-88, §6(a)(1)(H), (I), substituted “2004” for “2003” in heading and text.

SAVINGS CLAUSE

Pub. L. 105-178, title I, §1403(c), June 9, 1998, 112 Stat. 240, provided that: “The amendment made by subsection (a) [enacting this section and repealing former section 157 of this title] shall not affect any funds apportioned or allocated before the date of enactment of this Act [June 9, 1998].”

§ 158. National minimum drinking age

(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

(1) IN GENERAL.—The Secretary shall withhold 10 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(4) of this title on the first day of each fiscal year after the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.

(2) STATE GRANDFATHER LAW AS COMPLYING.—If, before the later of (A) October 1, 1986, or (B) the tenth day following the last day of the first session the legislature of a State convenes after the date of the enactment of this paragraph, such State has in effect a law

which makes unlawful the purchase and public possession in such State of any alcoholic beverage by a person who is less than 21 years of age (other than any person who is 18 years of age or older on the day preceding the effective date of such law and at such time could lawfully purchase or publicly possess any alcoholic beverage in such State), such State shall be deemed to be in compliance with paragraph (1) in each fiscal year in which such law is in effect.

(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.

(c) ALCOHOLIC BEVERAGE DEFINED.—As used in this section, the term “alcoholic beverage” means—

(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1986,

(2) wine of not less than one-half of 1 per centum of alcohol by volume, or

(3) distilled spirits as defined in section 5002(a)(8) of such Code.

(Added Pub. L. 98-363, §6(a), July 17, 1984, 98 Stat. 437; amended Pub. L. 99-272, title IV, §4104, Apr. 7, 1986, 100 Stat. 114; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 105-178, title I, §1103(l)(2), June 9, 1998, 112 Stat. 125.)

REFERENCES IN TEXT

The date of the enactment of this paragraph, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 99-272, which was approved Apr. 7, 1986.

The Internal Revenue Code of 1986, referred to in subsec. (c), is set out in Title 26, Internal Revenue Code.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-178, §1103(l)(2)(A)(i)–(iii), redesignated par. (2) as (1), substituted “In general” for “After the first year” in heading and “104(b)(3), and 104(b)(4)” for “104(b)(2), 104(b)(5), and 104(b)(6)” in text, and struck out former par. (1) which read as follows:

“(1) FIRST YEAR.—The Secretary shall withhold 5 per centum of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful.”

Subsec. (a)(2), (3). Pub. L. 105-178, §1103(l)(2)(A)(ii), (iv), redesignated par. (3) as (2) and substituted “paragraph (1)” for “paragraphs (1) and (2) of this subsection”. Former par. (2) redesignated (1).

Subsec. (b). Pub. L. 105-178, §1103(l)(2)(B), added subsec. (b) and struck out heading and text of former subsec. (b) which related to period of availability for apportionment to State of funds withheld by the Secretary pending State enactment of federally-prescribed minimum drinking age.

1986—Subsec. (a). Pub. L. 99-272, §4104(d)(1), added subsection heading.

Subsec. (a)(1). Pub. L. 99-272, §4104(d)(2)–(4), added paragraph heading, aligned margins, and inserted “first” before “fiscal year beginning”.

Subsec. (a)(2). Pub. L. 99-272, §4104(a), (d)(3), (5), added paragraph heading, realigned margins, and substituted “each fiscal year after” for “the fiscal year succeeding”.

Subsec. (a)(3). Pub. L. 99-272, §4104(b), added par. (3).

Subsec. (b). Pub. L. 99-272, §4104(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as